

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

**MINUTES OF THE MEETING
OF THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

September 26, 2005

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 8:16 am by Chairman David M. Ylander, DVM, in the Sioux Room at the Holiday Inn Express, North Platte, Nebraska. The following members answered the roll call:

David M. Ylander, DVM, Chairman
Steven E. Wright, DVM, Vice-Chairman
Gail Miller, Secretary
Don Cain, Jr, DVM

A quorum was present and the meeting convened. Also in attendance to participate in the meeting in North Platte was Becky Wisell, Section Administrator. Present to participate in the meeting via conference call at the Nebraska State Office Building, 301 Centennial Mall South Conference Room 5-E in Lincoln, Nebraska, were Brad Shaff, Assistant Attorney General; Michael Grutsch, Program Manager, Larry Wiehn, Investigator, and Jeff Newman, all of the Investigations Division; and Vicki Bumgarner, Credentialing Coordinator, Credentialing Division.

ADOPTION OF AGENDA

Miller moved, seconded by Wright, to adopt the agenda. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

APPROVAL OF MINUTES OF MEETING

Wright moved, seconded by Miller, to approve the minutes of the meetings on May 16, 17, 24, 25, June 16 and July 6, 2005. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS

Miller moved, seconded by Cain, to go into closed session for the purpose of hearing the investigational reports. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried and the meeting went into closed session at 8:17 am.

Robert Semerena, Administrator, Investigations Division, entered the meeting at 8:25 am.

DISCIPLINARY INFORMATION

The Board reviewed disciplinary actions taken and pending since the last meeting.

FINANCIAL REPORT

Wisell reported on the financial status of the Board as of July 31, 2005.

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APPLICATIONS FOR LICENSURE

Daniel Otto, DVM – application to reinstate a license to practice veterinary medicine and surgery from inactive status. A Petition for Disciplinary Action was filed by the Kansas Board of Veterinary Examiners on June 30, 2005 against Otto's license. At the present time no further action had been taken by the Kansas Board. The Board discussed that if a disciplinary action is imposed by Kansas, that action would be reported to the American Association of Veterinary State Boards (AAVSB) and the Board could review the information at that time. Wright moved, seconded by Cain, to approve the reinstatement of license for Otto. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

Casey Wheelman, DVM – application to reinstate a license to practice veterinary medicine and surgery after one year from nondisciplinary revocation. Wright moved, seconded by Miller, to approve the reinstatement of license for Wehrman. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

Valerie Cooper – application to reinstate a license to practice as a veterinary technician after one year from nondisciplinary revocation. Wright moved, seconded by Cain, to approve the reinstatement of license for Cooper. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

UPDATE ON LEGISLATION FOR 2005

Wisell advised that LB 301 was passed by the Legislature and signed into law by the Governor. This law repealed the section of the statute allowing for a temporary license to practice veterinary medicine and surgery.

Shaff left the meeting at 9:55 am.

Wisell advised that LB 306 was passed by the Legislature and signed into law by the Governor. It became effective on September 4, 2005 and provides that all applicants for a license for which a controlled substances registration may be issued are to have a criminal background check as a condition to obtain a license. Wisell informed the Board about the process.

PROPOSALS FOR LEGISLATION IN 2006

Addition of a Veterinary Technician Board Member

The Board's proposal to introduce legislation to add a veterinary technician member to the composition of the Board was accepted by the Policy Cabinet for inclusion in Department legislation for 2006.

Ordering of Rabies Vaccine

The Board had proposed legislation which would mandate that only a licensed veterinarian could order rabies vaccine. This proposal was not approved to be included in Department legislation for 2006.

At 10:15 am Teresa Hampton, Legal Counsel for the Department, entered the meeting.

Attempt Limit for NAVLE

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The Board had proposed legislation to impose an attempt limit on the North American Veterinary Licensing Examination. This limit would be in accordance with National Board of Veterinary Medical Examiners policy regarding attempt limits. Wisell explained that language has been included in the draft of proposed changes to the Practice Act to allow the Board to promulgate regulations that set forth eligibility to take the examination.

Other Proposals From the Board

The draft of proposed changes to the Practice Act has also been revised to include a modification to the exemption for veterinary and veterinary technician students to be able to practice outside of their school, but under supervision. The language regarding "vacation period" would be deleted.

The Board's proposal to add the words "and veterinary technician schools" to Neb. Rev. Stat. 71-1,152.01 was not approved to be included in Department legislation for 2006.

Wisell added the Board's proposal to clarify the terminology used in the definition of a veterinary technician to the draft of proposed changes to the Practice Act.

The Board's proposal to add language that would include testing for fertility to Neb. Rev. Stat. 71-1,154(3)(a) was not approved to be included in Department legislation for 2006. The Board discussed the importance of this proposal and asked Wisell to request that the Department reconsider.

Uniform Licensing Law Rewrite and Practice Act Changes

The Board discussed additional revisions to the ULL Rewrite and the Practice Act changes that have been drafted. They directed additional changes to the Veterinary Medicine Practice Act the decision.

INFORMATIONAL MEETINGS SUMMARY MAILING TO LICENSEES

The Board discussed the format and content they would like to use for the Summary of the Informational Meetings which they plan to mail to all licensees.

The Board discussed the problem of pharmaceutical representatives dispensing drugs directly to the client without having any established veterinary-client-patient relationship. Wisell and Hampton emphasized the need for specific information on these incidents to be reported to the Department. Wisell stated that the Board of Pharmacy would be interested in discussing these issues with the Board.

The Board decided that they would like to meet with the Board of Pharmacy at their next meeting, which is November 7 in Lincoln.

LETTER TO BOARD OF PHARMACY REGARDING WHOLESALE DRUG ACT

The Board made some revisions to a draft letter to send to the Board of Pharmacy regarding LB 318, the Wholesale Drug Act. This bill has been carried over to the 2006 session. The Board is advising the Board of Pharmacy that they want to retain the current definition of prescription drug which states that a prescription drug shall mean any human drug required by federal law or regulation to be dispensed only by prescription. The Board directed staff to make the revisions and send to the Board of Pharmacy.

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ACCREDITED PROGRAMS IN VETERINARY TECHNOLOGY

The Board reviewed draft letters to send to the three Nebraska veterinary technology schools. The letters express the concern the Board has with the low scores obtained on the Veterinary Technician National Examination by students and graduates of these schools. The letters will also invite the Program Directors to the next meeting of the Board to discuss this issue. The Board also reviewed a similar letter to the Director of the Veterinary Technician Accreditation Program at the American Veterinary Medical Association on this issue.

Miller moved, seconded by Cain, to send the letters to the three schools and the AVMA. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

AVMA COUNCIL OF EDUCATION TEAM CONSULTATIVE/PRE-ACCREDITATION VISIT TO UNL AND ISU

Ylander stated that he recently attended the AVMA Council of Education team consultative/pre-accreditation visit to the University of Nebraska Lincoln (UNL) and Iowa State University (ISU) on July 25-27. Ylander discussed the current status of the veterinary medicine educational program for Nebraska. He said at the present time, Nebraska veterinary students will attend the full four years at Iowa State, because the program to attend two years at UNL and two years at ISU (2 + 2 program) has been delayed until 2007.

Ylander stated that the Board needs to continue to be included in the meetings on the veterinary program. The Board directed staff to send a letter to the University requesting to be kept informed about the process and be included in meetings.

COLLABORATIVE PRACTICE

The Board discussed the matter of the Chairman of the Board of Chiropractic disseminating information which he obtained from a member of the Board of Health to other members of his profession about non-veterinarians performing chiropractic on animals.

Hampton told the Board that for most professions, tasks that are within their scope of practice cannot be delegated to others not in that profession. She stated that the Veterinary Medicine and Surgery Practice Act specifies that certain tasks can be delegated to a veterinary technician or an unlicensed assistant, but there is no provision for any other delegation of tasks which are the practice of veterinary medicine and surgery. The Board had previously gone on record at their meeting February 18, 1999, to state that alternative treatments for animals (i.e. chiropractic, acupuncture, ultrasound, holistic medicine and homeopathy) are part of the scope of practice for veterinary medicine and surgery. They further stated that any non-veterinarian performing this procedure on an animal would need to be under the direct supervision of a veterinarian at all times. Hampton said that the Board did not have the authority to take this position since the statute does not allow for delegation of veterinary medicine and surgery except for certain tasks which are outlined in regulation that can be delegated to veterinary technicians or unlicensed assistants.

Because of time constraints, the Board decided to further discuss the matter of collaborative practice at their next meeting.

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NORTH AMERICAN VETERINARY LICENSING EXAMINATION (NAVLE)

The Board previously discussed in this meeting the matter of an attempt limit to take the NAVLE. The Board also discussed the new National Board of Veterinary Medical Examiners (NBVME) policy that if a Board wishes, the NBVME will assume all responsibilities of that Board for approving their candidates to take NAVLE.

CONTINUING EDUCATION

The Board reviewed a request for continuing education credit from David Merkley, DVM. The Board requested further information regarding this matter.

SET DATE OF NEXT MEETING

The Board determined to meet for a short time conjunction with the Board of Pharmacy regarding veterinary pharmacy on November 7, if that is acceptable to the Board of Pharmacy. The Board scheduled their regular meeting for November 8 at 8:00 am in Lincoln.

Wright moved, seconded by Miller, to send a letter of recommendation to the Board of Health for Ylander to be reappointed to the Board. Voting aye: Wright, Miller, Cain. Voting nay: none. Abstaining: Ylander. Motion carried.

Miller moved, seconded by Cain, to recommend sending two Board members to the Federation of Associations of Regulatory Boards (FARB) in San Diego in February, 2006. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:45 pm.

Respectfully submitted,

Gail Miller, Secretary
Board of Veterinary Medicine and Surgery